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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,608	09/25/2003	Koji Ichikawa	0649-0914P	5671
2292	7590	06/22/2007		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER AVELLINO, JOSEPH E	
			ART UNIT 2143	PAPER NUMBER
			NOTIFICATION DATE 06/22/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/669,608

Applicant(s)

ICHIKAWA, KOJI

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/24/06, 9/5/06, 9/25/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-9 are pending in this examination; claims 1 and 6 independent.

***Priority***

2. Applicant's claim to priority under 35 USC 119 is acknowledged.

***Information Disclosure Statement***

3. The IDS's dated September 23, 2003, September 9, 2006, and December 22, 2006 have been considered. See enclosed PTO-1449s.

***Specification***

4. The Examiner requests Applicant's assistance in the correction of any typographical errors Applicant may find in the specification.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 5 is rejected under 35 U.S.C. 101 because it is not statutory. Claim 5 recites a processing program, which is merely software, per se. As established in the Interim Guidelines, now part of MPEP 2106, a program is merely software, per se, and is not statutory because it fails to establish a statutory category of invention. Correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Spyglass Prism (Concepts and Applications: Spyglass Prism, 1997) (hereinafter Spyglass).

7. Referring to claim 1, Spyglass discloses an image-correction processing apparatus (i.e. proxy server application) in an image sending system that sends an image to a destination terminal via a network (page 2, Figure), comprising:

terminal information acquiring means for acquiring a destination terminal information about the destination terminal ("a user...may be asked to enter a services of conversion preferences that are stored in the User Database...the Device database contains content conversion characteristics for any set of devices that Spyglass Prism may be asked to support" such as screen dimensions, resolution, colors supported, format, etc.) (page 4, 'Transaction Manager' section);

send-out image generating means for generating a send-out image by performing an image correcting process, which corresponds to a model of the destination terminal, based on the destination terminal information (i.e. based on the device type of the requesting terminal, specific content conversion characteristics are

conducted on the image to create a modified image) (page 4, 'Transaction Manager' section; page 5, 'Content Converter and Cache' section: "Based on the request passed from the Transaction Manager, Spyglass Prism's Content Converter selects a set of conversion rules that define how Web content will be translated to provide optimal viewing on the requesting device...for example, an image conversion script...may convert images to GIF, reduce the color depth, reformat the image for a 240x480 pixel display").

8. Referring to claim 2, Spyglass discloses the send-out image generating means includes:

first image-correction processing means for performing an image correcting process according to each image for a pre-sending image, and a second-image correction processing means for performing an image correcting process which is respectively appropriate for each model of the destination terminal after the image correcting process performed by the first image-correction processing means (i.e. the example shows a script which reduces the color depth, which is an image correcting process according to the image, and then reformat the image for a 240,480 pixel display, which is a correcting process appropriate for the model of the destination terminal) (page 5, 'Content Converter and Cache' section, second paragraph).

9. Referring to claim 3, Spyglass discloses an image-correction parameter storing means (i.e. Device Database) for storing image-correction parameters (i.e. device

types) of each model of the destination terminal (i.e. "reformat the image for a 240x480 pixel display") (page 4, 'Transaction Manager' section; page 5, 'Content Converter and Cache' section); and

image-correction parameter setting means for setting an image-correction parameter used for the image correcting process (i.e. device database contains content conversion characteristics for any set of devices...) (page 4, 'Transaction Manager' section).

10. Referring to claim 4, Spyglass discloses the terminal information acquiring means acquires the destination terminal information from the destination terminal (i.e. user is asked to enter a series of conversion preferences and the Device Database information) (page 4, 'Transaction Manager' section); and

the image-correction parameter setting means selects an image-correction parameter corresponding to a destination terminal information (i.e. Device database contains content conversion characteristics for any set of devices) (page 4, 'Transaction Manager' section).

11. Claims 5-9 are rejected for similar reasons as stated above.

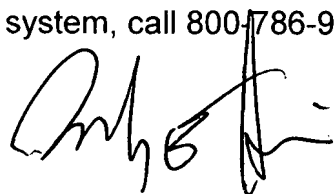
### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Joe Avellino', is written over the printed name and date.

Joseph E. Avellino, Examiner  
June 1, 2007